

SENATE BILL 914

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0lr3309
CF HB 1352

By: **Senators Harrington, Lenett, Madaleno, and Raskin**

Introduced and read first time: February 17, 2010

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 26, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 **Forest Conservation Fund – Contribution Rates – Priority Funding Areas**

3 FOR the purpose of altering the rates for contributions required to be made to the
4 Forest Conservation Fund and a local forest conservation fund on the basis of
5 whether a project is inside or outside a priority funding area under certain
6 circumstances; making a clarifying change; defining a certain term; and
7 generally relating to contribution rates for the Forest Conservation Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–1610(a), (c), and (h)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Natural Resources**

16 5–1610.

17 (a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “Fund” means the Forest Conservation Fund.

2 (3) **“PRIORITY FUNDING AREA” HAS THE MEANING STATED IN §**
3 **5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 (c) Except as provided in subsection (h) of this section, if any person subject
5 to this subtitle demonstrates to the satisfaction of the appropriate State or local
6 authority that the requirements for reforestation or afforestation on-site or off-site
7 cannot be reasonably accomplished, the person shall contribute money to the Fund:

8 (1) [Until] **ON OR BEFORE** September 30, 2014:

9 (I) **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA**, at a
10 rate of ~~30~~ **24** cents per square foot of the area of required planting; and

11 (II) **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA,**
12 **AT A RATE OF ~~36~~ 30 CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED**
13 **PLANTING; AND**

14 (2) After September 30, 2014:

15 (I) **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA**, at a
16 rate ~~adjusted for inflation as determined by the Department annually by regulation~~
17 **THAT IS 20% LOWER THAN THE RATE SET UNDER ITEM (2)(II) OF THIS**
18 **SUBSECTION; AND**

19 (II) **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA,**
20 **AT A RATE ~~THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS~~**
21 **SUBSECTION ADJUSTED FOR INFLATION AS DETERMINED BY THE DEPARTMENT**
22 **ANNUALLY BY REGULATION.**

23 (h) (1) In lieu of a State Forest Conservation Fund, any local authority
24 with an approved forest conservation program may establish a forest conservation
25 fund, to be administered by the local authority, to allow a payment by any person who
26 has demonstrated to the satisfaction of the local authority that the requirements for
27 reforestation and afforestation on-site and off-site cannot be reasonably
28 accomplished.

29 (2) The [rate] **RATES** shall be:

30 (I) **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, AT**
31 **~~LEAST the same as the [rate] RATES established for the State Forest Conservation~~**
32 **~~Fund under subsection (c) of this section~~ A RATE THAT IS 20% LOWER THAN THE**
33 **RATES ESTABLISHED UNDER ITEM (II) OF THIS PARAGRAPH; AND**

1 **(II) FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA,**
2 ~~**20% HIGHER THAN THE RATES ESTABLISHED UNDER ITEM (I) OF THIS**~~
3 ~~**PARAGRAPH AT LEAST THE SAME AS THE RATES ESTABLISHED FOR THE STATE**~~
4 ~~**FOREST CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION.**~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.